

**Notice of Allowability**

Application No.

10/053,152

Examiner

Boris Benenson

Applicant(s)

MILLER, JOHN MICHAEL

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/26/2004.
2. ☒ The allowed claim(s) is/are 34-49.
3. ☒ The drawings filed on 1/23/2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

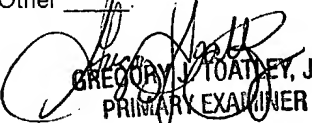
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
GREGORY J. TOATLEY, JR.  
PRIMARY EXAMINER

*Detailed Actions*

1. Amendment received on 1/26/2004 is entered. Claims 34-43 and 47-49 are amended. Claims 1-33 are previously cancelled. Claims 34-49 are pending in the application.

*Response to the arguments*

2. Applicant's arguments, see pages 7-11 of Remarks/Arguments, filed 1/22/2004, with respect to 34-48 have been fully considered and are persuasive. The rejection of Claims 34-49 has been withdrawn.

*Allowable Subject Matter*

3. Claims 34-49 are allowed.

The following is an examiner's statement of reasons for allowance:

4. Independent Claims 34, 37, 38 are allowable because none of the prior art of record disclose a method of controlling an engine comprising a step of transferring electrical energy generated in a stator winding of a first plural phasor motor driving a first valve during closing the first valve to a stator winding of a second plural phasor motor driving a second valve during opening the second valve in combination with the other claim limitations.

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5. Claims 35 and 36 are dependent on allowable Claim 34 and therefore allowable.

6. Independent Claims 39-42 and 47 are allowable because none of the prior art of record disclose a method of controlling an engine comprising a step of recirculating electrical energy generated in a stator winding of a first plural phasor motor driving a first exhaust/intake valve during de-accelerating the first valve to a stator winding of a second plural phasor motor driving a second intake/exhaust valve to open the second intake/exhaust valve in combination with the other claim limitations.

7. Claims 43-46 are dependent on allowable Claim 42 and therefore allowable.

8. Independent Claim 48 is allowable because none of the prior art of record disclose a system for controlling valve operation in an engine, wherein a current generated in a winding of a first motor coupled to a first valve while de-accelerating is routed to a second motor coupled to a second valve to induce the second valve towards an open position in combination with the other claim limitations.

9. Claim 49 is dependent on allowable Claim 48 and therefore allowable.

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10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Contact information**

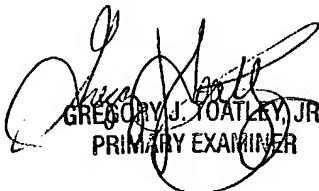
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Benenson whose telephone number is (571) 272-2048. The examiner can normally be reached on M-F (8:20-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2800 x 36. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Boris Benenson  
Examiner  
Art Unit 2836

B.B.

  
GREGORY J. TOATLEY, JR.  
PRIMARY EXAMINER

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